

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 510465 CJE/fjw	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/NZ2004/000293	International filing date (<i>day/month/year</i>) 18 November 2004	Priority date (<i>day/month/year</i>) 18 November 2003	
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ C07H 15/04, 15/207, A61K 31/7004, 31/7016, A61P 29/00 17/00, 11/06			
Applicant THE MALAGHAN INSTITUTE OF MEDICAL RESEARCH et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 14 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

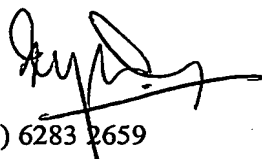
☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 20 June 2005	Date of completion of the report 20 October 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  S. R. IDRUS Telephone No. (02) 6283 2659

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NZ2004/000293

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3 and 23.1 (b))

☐ publication of the international application (under Rule 12.4)

☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1, 2, 4-7, 9-14, 16-19, 21-49, 52-64, 66-75 as originally filed/furnished

pages* 3, 8, 15, 20, 50, 51, 65 received by this Authority on 20 June 2005 with the letter of 20 June 2005

pages* received by this Authority on with the letter of

☒ the claims:

pages 78 as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 76, 77, 79-82 received by this Authority on 20 June 2005 with the letter of 20 June 2005

pages* received by this Authority on with the letter of

☒ the drawings:

pages 1/11-6/11, 8/11-11/11 as originally filed/furnished

pages* 7/11 received by this Authority on 20 June 2005 with the letter of 20 June 2005

pages* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos: 1-29

because:

☐ the said international application, or the said claims Nos.

relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos.
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos.
are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claim Nos. 1-29

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form ☐ has not been furnished

☐ does not comply with the standard

the computer readable form ☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/NZ2004/000293**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 30-34	YES
	Claims	NO
Inventive step (IS)	Claims 30-34	YES
	Claims	NO
Industrial applicability (IA)	Claims 30-34	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

As no international search report was established for claims 1-29, no opinion with regard to novelty, inventive step and industrial applicability is provided for said claims 1-29. However, the citations identified by the search conducted are relevant to Claim 1.

The International Search Report identified the following citations:

D1 STN File CA Abstract Accession No. 138:343608
D2 STN File CA Abstract Accession No. 130:311982
D3 STN File CA Abstract Accession No. 97:56144
D4 STN File CA Abstract Accession No. 92:181557
D5 Derwent Abstract Accession No. 94-347142/43
D6 WO 1994/021656

D1-D6 disclosed compounds which are excluded by provisos from the scope of the present claims.

Accordingly, Claims 30-34 are novel and involve inventive step in the light of **D1** to **D6**.

The present invention provides synthetic molecules having PIM or PIM-like activity for use as immune system modifier.

Accordingly, the claimed subject matter has industrial applicability.